

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF:

Martin, *et al.*

APPLICATION No.: 09/843,578

FILED: April 26, 2001

FOR: **LIPOSOMES WITH ENHANCED
CIRCULATION TIME AND METHOD OF
TREATMENT**

EXAMINER: Kishore

ART UNIT: 1615

CONFIRM. No: 9431

Terminal Disclaimer

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Alza Corporation, Assignee of the entire right, title and interest in the above-identified patent application by virtue of its acquisition of Sequus Pharmaceuticals, Inc. and by virtue of an Assignment to Sequus Pharmaceuticals, Inc. recorded in the U.S. Patent and Trademark Office at Reel 7709, Frame 0514, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to § 156 and § 173, as presently shortened by any terminal disclaimer, of U.S. Patent Application No. 09/174,298 filed on October 16, 1998.

The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patents and/or patent applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to § 156 and § 173 of the above-listed patents and/or applications, as presently shortened by any terminal disclaimer, in the event that said patent(s)/application(s) later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

1. Authority of Undersigned

The undersigned is an attorney or agent of record.

2. Fee Payment

- ☒ A check covering the Terminal Disclaimer fee under 37 C.F.R. § 1.20 is enclosed.
- ☒ Large entity (\$110.00)

Respectfully submitted,

Date: June 7, 2004

Judy M. Mohr
Judy M. Mohr
Registration No. 38,563

Correspondence Address:

Customer No. 22918
Perkins Coie LLP
P.O. Box 2168
Menlo Park, California 94026
(650) 838-4300